

TRUEPOSITION, INC.,
v.

LM ERICSSON TELEPHONE COMPANY
(Telefonaktiebolaget LM Ericsson), QUALCOMM
INC., ALCATEL-LUCENT, S.A., THIRD
GENERATION PARTNERSHIP PROJECT a/k/a
3GPP, and EUROPEAN TELECOMMUNICATIONS
STANDARDS INSTITUTE,
Defendants.

CIVIL ACTION
2:11-cv-04574-RFK

Pursuant to Federal Rule of Civil Procedure 26(c), defendant European Telecommunications Standards Institute (“ETSI”) hereby moves the Court for a Protective Order requiring plaintiff TruePosition, Inc. (“TruePosition”) to withdraw its jurisdictional discovery of ETSI, which was served by email and first class mail upon counsel, and to pursue such discovery in accordance with the Hague Convention on the Taking of Evidence Abroad in Civil and Commercial Matters, Mar. 18, 1970, 23 U.S.T. 2555, 847 U.N.T.S. 231, reprinted at 28 U.S.C. § 1781 (the “Hague Convention”). The grounds for this Motion are set forth in the accompanying Memorandum of Law and other supporting documents.

Oral argument is respectfully requested.

WHEREFORE, defendant ETSI respectfully requests that the Court grant this Motion and issue a Protective Order pursuant to Fed. R. Civ. P. 26(c) requiring TruePosition to withdraw its jurisdictional discovery of ETSI, which was served by email and first class mail upon counsel, and to pursue jurisdictional discovery of ETSI in accordance with the Hague Convention.

Respectfully submitted,

Dated: January 27, 2012

/s/ Richard S. Taffet
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CERTIFICATION PURSUANT TO LOCAL RULE 26.1(f)

In accordance with Local Rule 26.1(f), I, William S. D. Cravens, counsel for defendant European Telecommunications Standards Institute ("ETSI"), hereby certify that ETSI and plaintiff TruePosition, Inc. ("TruePosition"), after reasonable efforts, are unable to resolve the dispute raised in ETSI's Motion for a Protective Order requiring plaintiff TruePosition to withdraw its jurisdictional discovery of ETSI, which was served by email and first class mail upon counsel, and to pursue such discovery in accordance with the Hague Convention on the Taking of Evidence Abroad in Civil and Commercial Matters, Mar. 18, 1970, 23 U.S.T. 2555, 847 U.N.T.S. 231, reprinted at 28 U.S.C. § 1781. The parties' efforts to resolve the dispute are reflected in the correspondence between counsel for ETSI and TruePosition attached as Exhibits H-I to the Declaration Of William S.D. Cravens In Support Of Defendant European Telecommunications Standards Institute's Motion For A Protective Order, dated January 27, 2012.

Dated: January 27, 2012

/s/ William S. D. Cravens
William S. D. Cravens

CERTIFICATE OF SERVICE

I, Derek Care, hereby certify that on January 27, 2012, I caused true and correct copies of the following to be served on all parties to this litigation by ECF and first class mail:

1. Defendant European Telecommunications Standards Institute's Motion For A Protective Order, dated January 27, 2012 (the "Motion");
2. Memorandum of Law In Support of the Motion, dated January 27, 2012;
3. Declaration Of William S.D. Cravens In Support of the Motion, dated January 27, 2012; and
4. Proposed Order.

Dated: January 27, 2012

/s/ Derek Care

Derek Care